

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NANCY CROSS, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:04CV433 HEA
)	
CAPITAL AMERICAN COMPANY,)	
L.L.C. a/b/a “A-PLUS QUALITY”)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the Court on plaintiffs’ Motion to Amend Judgment, [# 25]. Defendant has not responded to this motion. For the reasons set forth herein, the Motion is granted and the Judgment will be amended this date.

On July 29, 2004, this Court entered judgment in favor of plaintiffs and against defendant Capital American Company, L.L.C. d/b/a “A-Plus Quality.” The judgment was not appealed, nor has it been satisfied.

On June 23, 2005, an examination of judgment debtor, Terrance Weeden, was conducted before this Court. At that examination, Weeden claimed that defendant had filed bankruptcy in the United States Bankruptcy Court for the Eastern District of Missouri, but counsel for plaintiffs represents to this Court that

there are no records in this district's Bankruptcy Court nor any other Bankruptcy Court of a filing for defendant.

Weeden further claimed that he had discontinued operations of defendant and had begun operations of "All American Enterprises, LLC" d/b/a "All American Commercial Cleaning" (All American). The Missouri Secretary of State's records reveals that a limited liability company named "All American Enterprises, LLC" was created and that All America, by and through Weeden, registered the fictitious name "All American Cleaning Service" on May 5, 2005. Weeden admitted at the examination of judgment debtor hearing that he owns and operates both defendant and All American and that both are commercial cleaning companies.

The Court finds that All American is liable for the judgment entered July 29, 2004 because it is a successor to defendant Capital American and because the establishment of All American is a deliberate attempt to avoid this judgment and other debts owed by defendant Capital American. *Alaska Laborers-Construction Industry Health & Security Fund v. Laborers Union Local 341*, 812, F.2d 512 (9th Cir. 1987).

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' Motion to Amend Judgment, [# 25], is granted.

An Amended Judgment is entered this same date.

Dated this 1st day of August, 2005.

A handwritten signature in cursive script, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE